

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 09-726

Appellant(s): Kevin Hastings

vs.

Appellee(s): City of Haverhill
Richard Osborne

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from the 6th Edition 780 CMR 503.1, 704.8, and 1406.2.2 for 14-36 Granite Street, Haverhill, MA in accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4. The Board convened a public hearing on April 4, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.


The Appellant appeared and testified for the hearing along with others as shown on the sign in sheet that is on file with the Department of Public Safety.

Discussion

A motion was made to grant the Appellant's request for a variance from the 6th Edition of 780 CMR 503.1, 704.8, and 1406.2.2 based on the exhibits and testimony that was presented. The motion is contingent upon, a deed restriction to parking only on the east side of the building, or movement of the lot line on the east side, so that a variance is not required for the openings on this side of the building. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from the 6th Edition 780 CMR 503.1, 704.8, and 1406.2.2 is hereby granted as described in the discussion above and so ordered² on this date: April 4, 2009.



Douglas Semple



Jacob Nunnemacher



Stanley Shuman